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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 58/96 of 9 December 2003, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;
>
> "2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;
>
> "3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;
>
> "4. *Expresses grave concern* about the situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 2,600 Palestinian

* A/59/150.

** The present report is being submitted on 9 September 2004 so as to include as much updated information as possible.

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deaths and tens of thousands of injuries;

"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"8. *Requests* the Secretary-General:

(*a*) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(*b*) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(*d*) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(*e*) To report to the General Assembly at its fifty-ninth session on the tasks entrusted to him in the present resolution;

"9. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories'."

2. All necessary facilities were provided to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Special Committee met in Geneva from 19 to 25 March 2004 during the sixtieth session of the Commission on Human Rights and attended the debate on the items of the agenda devoted to the issue of Palestine. The Special Committee met again in Geneva on 24 May 2004 before undertaking its annual field mission to Lebanon, Egypt and the Syrian Arab Republic from 25 May to 8 June 2004. During its two meetings in Geneva, the Special Committee held

consultations with relevant representatives of permanent missions, United Nations agencies, intergovernmental organizations, as well as non-governmental organizations. Scheduled consultations with the International Committee of the Red Cross could not take place. Owing to restrictions imposed on the length of reports submitted to the General Assembly, the Special Committee did not submit periodic reports during the period under review.

3. Pursuant to paragraph 8 (d) of resolution 58/96, the activities described below were undertaken.

Department of Public Information

4. During the reporting period, the Department continued to disseminate information on the activities of the Special Committee through a range of information-dissemination tools available to it, including the Internet, the media, radio, publications and direct outreach to the public and non-governmental organizations.

5. The United Nations web site has become one of the best means of disseminating information on the work of the Special Committee, including its reports and statements. The United Nations News Centre on the United Nations web site carries statements made by the Chair, the Bureau and members of the Committee, as well as press releases on the work of the Committee. The deliberations of the Special Political and Decolonization Committee of the General Assembly, which discussed the report of the Special Committee, were webcast and are available as video archives on the United Nations web site.

6. Press releases were issued on the United Nations International Meeting on the Impact of the Construction of the Wall in the Occupied Palestinian Territory, held in Geneva on 15 and 16 April 2004, in which a message from the Chairman of the Special Committee was read out by a Committee member.

7. Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories were among the issues addressed at the International Media Seminar on Peace in the Middle East, which the Department organized in cooperation with the Ministry for Foreign Affairs of China in Beijing, on 16 and 17 June 2004. The seminar discussed the role of civil society in promoting peace and justice in the Middle East and facilitated dialogue between Israelis and Palestinians in the search for ways to achieve peace and restore Palestinian rights.

8. United Nations Radio covered various aspects of United Nations activities relating to Palestine and the human rights of the Palestinian people in its news bulletins and current affairs magazines published in the United Nations official languages and several non-official languages.

9. The Department continued to distribute its publication *The Question of Palestine and the United Nations* (DPI/2276) in all official languages at Headquarters and through the United Nations information centres, services and offices. This publication is also available on the United Nations web site and includes references to the reports of the Special Committee, including sections dealing with questions of human rights, settlements and refugees.

10. Because of its geographical location, UNIS Geneva bears a special responsibility for the promotion of human rights, working closely with the Office of the High Commissioner for Human Rights and other relevant human rights bodies based in Geneva. During the reporting period, it continued to publicize the work of the Special Committee and the human rights of the Palestinian people through press briefings, press releases, radio and television coverage, responses to inquiries from non-governmental organizations and the public, as well as through the web site of the United Nations Office at Geneva with links to various human rights bodies.

11. On 6 August 2004, the Secretary-General addressed a note verbale to all Member States drawing attention to General Assembly resolutions 58/96, 58/97, 58/98, 58/99 and 58/100. The Permanent Mission of Cuba to the United Nations Office at Geneva responded in a note verbale dated 19 August 2004 to the Office of the United Nations High Commissioner for Human Rights.

12. In its reply, the Government of Cuba stated that it supported the efforts of the United Nations to promote the rights of the Palestinian people and to establish a Palestinian State, with East Jerusalem as its capital, and to end the illegal Israeli occupation of Arab territories, which violates international law and international humanitarian law. It expressed solidarity with the just struggle of the Palestinian people in the face of an occupation characterized by the most serious human rights violations, including genocide, and reaffirmed the large number of United Nations resolutions and reports condemning the occupation and urging a just and lasting solution that would lead to the restitution of the legitimate rights of the Palestinian people. The dangerous and unacceptable construction of the "Wall of Shame" in the face of the condemnation of the international community, including the International Court of Justice, is not a security measure, as claimed by the Government of Israel, but rather a means of annexing Palestinian land. The Wall should be demolished without delay and the Palestinians indemnified for the grave damage caused to their agriculture, water resources and villages. Other human rights violations committed by the Government of Israel included the disproportionate use of force against civilians and the policy of "targeted assassination" of Palestinian leaders. The Government of Israel has been able to carry out its activities in the occupied territories thanks to the financial, military and technological support of the Government of the United States of America, which gives more than $3 billion a year in direct aid to Israel. The United States has also used its veto in the Security Council to block the adoption of urgent measures that could bring an end to the conflict. The solution of the Palestinian problem is the key to peace in the Middle East. Cuba therefore urged the United Nations, in particular the Security Council, to exercise its responsibility under the Charter and apply immediately all relevant resolutions and decisions in order to achieve this goal.

Summary reply of the Government of the Syrian Arab Republic concerning Commission on Human Rights resolution 2004/8 on human rights in the occupied Syrian Golan

13. The Government of the Syrian Arab Republic submitted the following reply:

> "1. As in recent years, an overwhelming majority of the international community, in the relevant resolutions it has adopted, including Commission resolution 2004/8, has again expressed its strong condemnation of Israeli practices affecting human rights in the occupied Arab territories. Throughout

the 36 years of Israel's unlawful occupation of the Syrian Golan, the occupation authorities have refused to comply with resolutions of international legitimacy that affirm the illegality of Israel's decision to impose its laws and jurisdiction over the occupied Syrian Golan, declare it to be null and void and without legal effect, and call for a complete withdrawal from the occupied Syrian Golan to the line of 4 June 1967. Resolution 2004/8 was adopted by an overwhelming majority of the members of the Commission. It recalls the previous resolutions on the subject and insists that Israel comply with the resolutions, which represent the will of the international community and confirm the applicability of the Fourth Geneva Convention of 1949 to the Arab territories occupied in 1967. Israel, meanwhile, has become more obdurate and blatant in its refusal to yield to any of these repeated international appeals. It has failed to comply with even one of these resolutions, has treated all international resolutions with contempt, and persists with its savage practices against the Syrian Arabs in the occupied Golan.

"2. Most world leaders in all international forums have expressed strong condemnation of Israel's continuing occupation of the Arab territories, of the daily acts of repression perpetrated by the occupation authorities, and of the flagrant violations of all international conventions and norms. They have called on Israel, the occupying authority, to desist from these practices and comply with the wishes of the international community.

"3. Persisting with their repressive policies and flouting international resolutions, the Israeli occupation authorities employ a variety of methods to appropriate territory, make the area more 'Hebrew' by establishing settlements and bringing in settlers from all parts of the world, and deny the people of the occupied Syrian Golan of all their basic human rights. The Israeli occupation forces evicted the Syrian Arab people from their homes and farms and destroyed a total of 244 towns and villages. In 1967, Israel displaced approximately half a million Syrians in the occupied Golan; those people are still waiting to return to their land and homes. During the visit of the members of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to Syria on 4 June 2004, the Committee listened to testimony from a large number of refugees who had been forced to leave their land, families and possessions and are now living in and around Damascus, hoping to return one day to their homes and be reunited with their families.

"4. In pursuance of Israel's expansionist policy, which contravenes the principles of international law and the Geneva Conventions of 1949, the Israeli occupation authorities decided, prior to the adoption of the Commission's resolution, to establish a committee to build 600 housing units on land belonging to Syrian citizens in the occupied Golan, in defiance of international law. The announcement was made by Israeli Prime Minister Ariel Sharon, who has boasted that 'The settlements in the Golan constitute Zionism's finest achievement'. A member of the Israeli Knesset described this step as 'The end to any attempt to reach a peaceful settlement with Syria'.

"5. The Syrian Arab Republic reaffirms its strong determination to pursue its cooperation with the United Nations and expresses its sincere appreciation to the Secretary-General and his assistants for the efforts that they have made in

the face of many difficulties to protect the status of the Organization and resist attempts to marginalize its international role. Syria furthermore confirms that there can be no doubt that international law and United Nations resolutions constitute the political reference point that has earned the widest acceptance and respect of all countries in the world. Syria declares its commitment to the peace process launched in Madrid in 1990 on the basis of the implementation of the relevant Security Council resolutions, including resolutions 242 (1967) and 338 (1973), the principle of land for peace, the Arab peace initiatives and the complete and unconditional withdrawal of Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

"6. The Syrian Arab Republic is confident that the Special Committee will continue its work in spite of the obstacles that it faces and the attempts being made in some quarters to marginalize its important role in the Middle East and the world. On this occasion, Syria furthermore declares its ongoing support for and commitment to cooperate with the Committee, and its willingness to offer it every assistance in pursuit of its noble aims."